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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/664,867

09/22/2003

Jean-Michel Lauriol

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23373 7590 10/30/2007  
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EXAMINER

DOAN, PHUOC HUU

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

10/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/664,867

Applicant(s)

LAURIOL, JEAN-MICHEL

Examiner

PHUOC H. DOAN

Art Unit

2617

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attached Office action.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 09/28/2007 have been fully considered but they are not persuasive.

Applicant argues that Claim 18 is rejected under 35 U.S.C. § 112, first paragraph. Specifically, the Examiner contends that "the mobile data terminal is configured to connect to the WLAN access point and wherein the radiotelephone terminal is not configured to detect the signals broadcasted by the WLAN" is not described in the specification such as to enable one of ordinary skill in the art (see page 2 of the Office Action). Applicant respectfully disagrees. Applicant respectfully submits that the specification at least in exemplary embodiments supports the unique features of claim 18.

For example, paragraph 25 of the specification discloses that after the WLAN is detected, "the user knows, without effort, that an available WLAN can be accessed from his or hers present place and can connect straight away without any further checking". Further, FIG. 1 of an exemplary embodiment discloses radio access point 5 of WLAN 2 in communication with mobile data terminal 3, the mobile data terminal 3 in turn is in communication with the radiotelephone terminal 4.

Accordingly, the mobile data terminal 3, being in communication with the radio access point 5, may be configured to connect to the WLAN access point. The

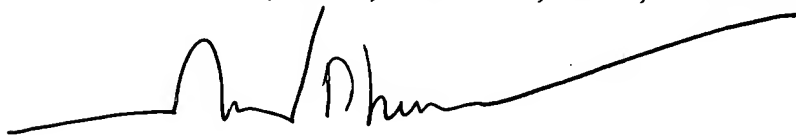
In response, the applicant does response for 112, first paragraph because paragraph 25 of the specification discloses does not mean in relates the claim language "...is **configured to connect**....wherein the radiotelephone terminal is **not configured to** detected...".It means if the user knows (Fig. 1, item 1) not (Fig. 1, item, 3), that an available WLAN can be accessed from detected signal broadcast by access point (AP) if user has already subscription.

Applicant argues that Independent claims 1, 6, and 8 all include some variation a mobile data terminal detecting presence of WLAN and informing that access to the WLAN is possible (*i.e.*, that WLAN access is available) by sending a signal from the mobile data terminal to the radiotelephone terminal.

In response to Applicant's arguments, the Examiner contends that Gunnarsson discloses the mobile data terminal detecting signals broadcast by the WLAN. In other words, the Examiner appear to take the position that since the mobile data terminal of Gunnarsson can detect WLAN signals when it accesses WLAN, this somehow meets the unique features of these independent claims (*see* page 4 of the Office Action). Applicant respectfully submits that accessin~ WLAN by a data terminal, as disclosed in

Gunnarsson does not disclose or suggest the data terminal detecting presence of the WLAN at least because when the data terminal attempts to access WLAN, presence was already determined and also because connecting to WLAN involved interchange of messages as opposed to simple detection of the existence of WLAN signals. On the contrary, with respect to the detection of the presence of the WLAN, Gunnarsson discloses that a user location is determined via a mobile terminal 60 (¶¶ 20 and 22) and the user location is then compared to the known location and extent of WLANs 20, e.g., from a database or other information resource within the communication network 10 (¶ 22). In short, Gunnarsson does not disclose or even remotely suggest detecting presence of WLAN by detecting signals broadcast by the WLAN. On the contrary, in Gunnarsson, the presence is detected by conventional techniques. As acknowledged by the Examiner, Gunnarsson does not disclose or suggest the mobile data terminal informing of possible access to the WLAN by sending a signal to the radiotelephone terminal and instead relies on Keinonen to cure this deficiency of Gunnarsson. Keinonen does not cure the above-identified deficiency of Gunnarsson.

In response, Gunnarsson discloses how detect the availability of the WLAN by having the mobile data terminal detect signal broadcast from the WLAN based on the information signal sent to the mobile terminal may simply indicated the availability of a WLAN that is meaning how detect the availability of the WLAN by having the mobile data terminal detect signal broadcast from the WLAN (See col. 3, par. [0022-0023]). Keinonen discloses sending a signal or a message, from said mobile data terminal to said radiotelephone terminal equipped with an adapted receiver (col. 4, lines 20-40), informing said person that he or she can access to said WLAN (col. 7, lines 55-57, col. 8, lines 5-15, col. 8, lines 65 to col. 9, lines 3).



Phuoc Doan

10/16/07

Patent Examiner

JEAN GELIN  
PRIMARY EXAMINER

